

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARRYL FONTE JACKSON,

Defendant.

No. 05-CR-92-LRR

**ORDER**

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The matter before the court is Defendant Darryl Fonte Jackson's pro se motion ("Motion") (docket no. 72), which the clerk's office filed on April 30, 2013.

In the Motion, Defendant requests that the court reconsider its April 16, 2013 Order (docket no. 71), which denied Defendant's pro se motion to reduce sentence (docket no. 70). Defendant states nothing in the instant Motion that leads the court to a different conclusion. As the court stated in its April 16, 2013 Order, the court does not have the authority to grant Defendant the relief he requests; that is, Defendant is not entitled to a sentence reduction under Amendments 706, 715 and 750 (Parts A and C only) to the United States Sentencing Guidelines, the Fair Sentencing Act or any other amendment, rule or statute of which the court is aware. To the extent that Defendant asks the court to recommend that the director of the Bureau of Prisons file a motion to reduce Defendant's sentence pursuant to 18 U.S.C. § 3582(c)(1)(A), the court finds no basis for doing so. To the extent that Defendant requests that the court issue a certificate of appealability, such request is denied. The court did not construe Defendant's previous motion to reduce sentence as a motion under 28 U.S.C. § 2255 and, thus, a certificate of appealability is not appropriate.<sup>1</sup>

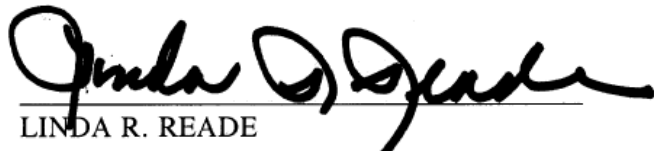
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<sup>1</sup> The court notes that, because Defendant previously filed a 28 U.S.C. § 2255  
(continued...)

In light of the foregoing, the Motion (docket no. 72) is **DENIED**. The court cannot grant Defendant the relief he requests; if there is any relief available, it is through the appellate process. Thus, if Defendant wishes to continue arguing for a sentence reduction, he may file a notice of appeal. The clerk's office is **DIRECTED** to send a copy of this Order to Defendant.

**IT IS SO ORDERED.**

**DATED** this 2nd day of May, 2013.



LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA

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<sup>1</sup>(...continued)  
motion (case no. 07-CV-74-LRR), the court cannot entertain a second or successive 28 U.S.C. § 2255 motion unless Defendant first seeks authorization from the Eighth Circuit Court of Appeals. *See* 28 U.S.C. § 2255(h).